

**Supreme Court of the State of New York**  
**Appellate Division: Second Judicial Department**

M80465  
E/sl

WILLIAM F. MASTRO, J.P.  
REINALDO E. RIVERA  
STEVEN W. FISHER  
RANDALL T. ENG, JJ.

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2008-02562

DECISION & ORDER ON MOTION

Wen Zong Yu, appellant,  
v Hua Fan, respondent.

(Index No. 19503/04)

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On the court's own motion, it is

ORDERED that its decision and order on motion dated November 13, 2008, in the above-entitled case is recalled and vacated, and the following decision and order is substituted therefor:

Motion by the appellant pro se on an appeal from an order of the Supreme Court, Queens County, dated October 17, 2007, to waive the requirements of 22 NYCRR 670.10.2(f) regarding certification of the record on appeal.


Upon the papers filed in support of the motion and no papers having been filed in opposition thereto, it is

ORDERED that the motion is granted on condition that on or before *January 26, 2009*, the appellant serve and file a supplemental record containing the appellant's affidavit dated August 24, 2007, with attached exhibits, submitted in support of the motion that resulted in the order dated October 17, 2007, and the respondent's affirmation in opposition to the motion, with attached exhibits; and it is further,

ORDERED that the respondent's time to serve and file a brief is enlarged until *February 26, 2009*, and the respondent's brief must be served and filed on or before that date.

MASTRO, J.P., RIVERA, FISHER and ENG, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

December 29, 2008

WEN ZONG YU v HUA FAN